

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--|---|----------------------|
| JACK P. KATZ, on behalf of himself and all |) | |
| others similarly situated, |) | |
| |) | |
| Plaintiff, |) | Case No. 08-CV-04035 |
| |) | Hon. John W. Darrah |
| v. |) | |
| |) | |
| ERNEST A. GERARDI, JR., et al., |) | |
| |) | |
| Defendants. |) | |

CORRECTED WAIVER OF SERVICE OF SUMMONS

TO: Christopher J. Stuart
Wexler Toriseva Wallace LLP
55 West Monroe St., Suite 3300
Chicago, IL 60603

I, Ruth Ann M. Gillis, have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I, or the entity I represent, be served with judicial process in the manner provided by Rule 4.

I understand that I, or the entity I represent, will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after August 18, 2008 or within 90 days after that date if the request was sent outside the United States, or by a date otherwise ordered by the Court.

Date: August 28, 2008

By: /s/Christopher Q. King/jsd
Christopher Q. King
Sonnenschein Nath & Rosenthal, LLP
7800 Sears Tower
233 S. Wacker Drive
Chicago, IL 60606-6404
cking@sonnenschein.com
(312) 876-8000

Attorney for Defendant Ruth Ann M. Gillis

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for failure.

“Good cause” does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over defendant or over the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

CERTIFICATE OF SERVICE

I, Christopher J. Stuart, hereby certify that I filed the preceding *Corrected Waiver of Service of Summons of Ruth Ann M. Gillis* with the Clerk of the Court using the CM/ECF system which will send notification of such filings to the following and, in addition, served the following by U.S Mail on August 29, 2008:

Lee Squitieri
Squitieri & Fearon, LLP
32 E. 57th Street, 2nd Floor
New York, NY 10022

Jeffrey S. Davis
Sonnenschein Nath & Rosenthal, LLP
7800 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6404

*Attorneys for Plaintiff Jack P. Katz and
the Proposed Class*

*Attorneys for Archstone-Smith Trust and
Archstone-Smith Operating Trust*

/s/ Christopher J. Stuart _____